



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

via UPS

APR 13 2016

Mr. Stanley Rines, Jr., President
Container Research Corporation
1 Hollow Hill Road
Glen Riddle, PA 19037

**Re: Notice of Violation
Compliance Evaluation Inspection
Container Research Corporation
EPA ID No.: PAD002294585**

Docket No.: R3-16-NOV-RCRA-016

Dear Mr. Rines:

On August 20, 2015, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection (report narrative and photographs attached to EPA Information Request Letter previously sent to facility on 1/28/16) under the Pennsylvania Solid Waste Management Act ("SWMA"), as amended, 35 P.S. §§ 6018.101 - 6018.1003, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq.. Based on the inspection and/or review of other pertinent information, EPA has determined that the Container Research Corporation facility ("CRC" or "the facility") was in violation of regulations promulgated under the SWMA and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violations follow:

Satellite Accumulation Areas

On the east side of the Paint Booth, three 55gal drums were observed, all of which were described as satellite storage containers. One of these drums showed a start accumulation date of 7/15/15; one showed a start accumulation date of 4/30/15 and a "full" date of 8/18/15; and the other showed a start accumulation date of 8/18/15. All of the drums felt fairly full according to the inspector.

In conversations between the inspector and facility representative, it appeared that the facility's intentions were to cease storing HW at less-than-90-day areas and retain only its satellite storage areas, with the idea that waste containers would be shipped off directly from each one. At the time of the inspection, however, the facility was violating two aspects of the satellite storage regulations: the requirement that no more than 55gal of HW is accumulated in any one satellite area, and that any amount of waste in excess of 55gal must be removed within three days to either a less-than-90-day storage area or offsite through manifested shipment [Pa.

Code 262a.10, 40 CFR § 262.34(c)(1)]. Failing to qualify for the satellite area requirements would necessitate that the facility manage such waste under the less-than-90-day storage requirements or apply for a RCRA storage permit.

Universal Waste

In the Maintenance Area ten open and unlabeled cardboard boxes were found containing spent fluorescent light bulbs. None of the lamp containers were dated, and there did not appear to be a specific log in place to track how long each lamp had been stored. To allow for storage and management as Universal Waste (UW), all used lamps must be placed into closed containers [Pa. Code 266b.1, 40 C.F.R. § 273.13(d)(1)] and marked with one of the following phrases: "Universal Waste Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)" [Pa. Code 266b.1, 40 C.F.R. § 273.14(e)]. Additionally, UW may not be stored onsite for longer than one year from the time of generation unless the requirements of 40 C.F.R. § 273.15(b) are met [Pa. Code 266b.1, 40 C.F.R. § 273.15(a)], and the facility must therefore be able to demonstrate the length of time that the UW has been accumulated [Pa. Code 266b.1, 40 C.F.R. § 273.15(c)].

RCRA Training

Large quantity generators of HW are required to maintain a list of employees who deal with HW, along with their job titles and job descriptions. This list should include anyone listed as an Emergency Coordinator in the facility's Contingency Plan, as well as anyone who signs HW manifests on behalf of the facility. The facility must also maintain records showing that each of these employees receives initial and annual refresher training [Pa. Code 262a.10, 40 CFR §§ 262.34(a)(4) & 265.16].

Although the facility submitted training records for several employees, it appeared that the names of employees receiving training varied from year-to-year. This may be due to changing responsibilities/employment status, but if not, the facility must ensure that every employee with HW management responsibilities receives annual RCRA refresher training. Additionally, although he appears to be the primary trainer for facility employees, no records of RCRA training were found for Chris Pass, who is also listed as the Primary Emergency Coordinator in the facility's Contingency Plan. Due to his responsibilities he should be receiving annual RCRA refresher training himself, either on- or off-site. Likewise, you and Elizar Pandang were listed as Alternate Emergency Coordinators, and Ernie Wallace was found to have signed HW manifests for the facility, so each of these personnel must also receive consistent annual RCRA refresher training.

Within **thirty (30) calendar days** of the receipt of this NOV, please submit documentation of any measures your facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations is in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law. This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing violations, including the ones cited in this letter, or past violations in any future enforcement action. The response to this NOV shall be addressed to:

Martin Matlin (3LC70)
U.S. Environmental Protection Agency - Region III
Office of Land Enforcement
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



Carol Amend, Associate Director
Office of Land Enforcement
Land and Chemicals Division

April 13, 2016
Date

Enclosures

cc: Melissa Gross, PADEP
Martin Matlin, 3LC70
Pauline Belgiovane, 3LC70